

UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL
UNICEF INPUTS – BOLIVIA
2009

Contextual Framework

1. Bolivia is the poorest country of South America, besides Haiti. According to the 2007 National Household Survey, 60% of the country's population was living in poverty and 38% was living in *extreme poverty* (defined as unable to finance the consumption of a basic food basket). In Bolivia 70% of children between 0-17 live in poverty and 45% in extreme poverty.
2. With its first indigenous leader as President, Bolivia is undergoing a process of deep changes, considered necessary to consolidate a new social pact as a result of the recent approval of the new Political Constitution. This new social pact is founded on a rights-based approach aimed at deepening the decentralization process by proposing four scenarios of autonomies with the same legal status in the constitution: Departmental Autonomies; Municipal Autonomies, Regional Autonomies and Peasant or Indigenous Autonomies. This new scenario introduces great challenges concerning laws and regulations to consolidate participation processes and the effective exercise of human rights.
3. This process of seizing opportunities and addressing these challenges should inevitably have a direct impact on the millions of children who still do not have guarantees for the protection and promotion of their rights. The new Political Constitution, with a very strong human rights orientation, represents a reality for the country, and an opportunity towards improving the situation of children.
4. The Constitution establishes that international human rights conventions, covenants and treaties are attributed the status of national legislation and includes a section on child rights with the best interest of the child upfront. It also contains two chapters related to children's rights, covering the right to identity, active participation of adolescents and access to basic public and private services. It prohibits any sort of violence against children and adolescents, forced labour and child exploitation. Although the new Constitution does not explicitly prohibit child labour, it stipulates that the activities of children and adolescents that take part within the family and social domains must be aimed at their overall education as citizens subject to special protection and regulations. It also establishes free and obligatory primary and secondary education, and explicitly mentions the government's duty to guarantee ongoing education for handicapped children.
5. National studies have confirmed that limited capacities of service providers are an important stumbling block towards guaranteeing quality services for children. The government has clearly articulated its social agenda through the priorities of establishing conditional cash transfers in the areas of health and education. UNICEF considers that these measures are important and welcome, and should be complemented with a longer term perspective of strengthening the institutional capacities of primary health care and basic education service providers, with a particular focus in rural areas.
6. Since 2007, Bolivia has information on social public expenditure for children, showing that a more efficient implementation is also needed. Between 2000 and 2006 total public expenditure increased by 52%, while social spending increased by 84% and social spending for children by 113%, which shows that Bolivia's government is making efforts to improve budget allocation for children. In 2006, social spending for children represented 6.8% of GDP (out of 16.2% for the total social spending). Social expenditure per capita in 2006 was 9.5% higher than the per capita social spending in favour of children; additionally in the case of social spending for children 62% was allocated to pay salaries and wages (39% in the case of total social spending).

7. The Bolivian government has increased investments for children and adolescents. However, the allocation of resources is oriented towards health and education, whereas child protection and justice are at a disadvantage. These two sectors receive the lowest proportion of child centered budgetary investments, and also the lowest levels of programmatic and budgetary implementation. As a result, human rights violations related to violence and abuse against children, commercial sexual exploitation of children and adolescents, human trafficking, street children, and children and adolescents deprived of their liberty are not yet fully attended.
8. Although the Children's and Adolescents' Code (1999) provides specific mechanisms to propose and monitor the implementation of public policies in favour of children and adolescents, as well as National and Departmental Councils and Municipal Commissions for Children and Adolescents, these have remained largely inoperative, limiting the adoption of an inter-sectoral and integrated approach on child rights issues. Also, the financial and human resources capacity of the Vice Ministry of Equality of Opportunities –VMEO - (former Vice Minister of Gender and Generational Affairs) remains limited.
9. Bolivia finalized the “National Plan for Equal Opportunities for Women” through a 2008 Supreme Decree. The plan seeks the reduction of gender gaps and has the mandate of achieving the recognition of women's contributions to the country's development. The theoretical framework of the plan acknowledges that Bolivia is a country with a very broad cultural diversity that requires all public policies, programmes and projects included in the plan in order to incorporate these sorts of considerations. As recommended by the CEDAW, it will be necessary to ensure the institutional stability of national mechanisms for women, at all levels of the Government giving them access to decision making and sufficient financial and human resources in the overall state administration.
10. High turnaround of authorities in the Ministries, national directorates and local authorities slow down the design and putting into practice of long-term plans to promote and ensure the full realization of the rights of children in social and economic areas that relate to them. Areas that require acceleration of efforts in order to meet the relevant Millennium Development Goals relate to poverty eradication, nutrition, water and sanitation and environmental sustainability.

II. Promotion and Protection of Children Rights

11. Since 2003, Bolivia has seen increased participation of children going along with their parents in blockades and protests during social and political conflicts. Concerned with the protection of children during these political manifestations UNICEF developed jointly with UNDP a study of the public perceptions on the impact of social conflicts on children, to raise awareness on the protection of the rights of children in all situations, but especially in moments of conflict that can jeopardize their physical and emotional well-being. The study corroborates that a large number of Bolivians are conscious of the vulnerability of children in all violent situations, and it also concludes that the presence of children in demonstrations, manifestations and violent confrontations affects their basic rights.
12. Although several departmental authorities are carrying out initiatives to train and prepare future parents for national adoptions, mechanisms to monitor the post-adoption process are insufficient. There is a concern for the limited capacity of the Vice Ministry of Equality of Opportunity to adequately handle and follow up international adoptions.
13. Even though the national law allows only children younger than 6 years of age to accompany their parents in prison, the non-existence of other options combined with a competent judge approval, has led to 1744 children and adolescents living with their parents in the different penitentiaries of the country, most of them without judiciary authorization. A recent episode of sexual violence and sexual abuse involving a total of 7 children and adolescents living with

their parents in La Paz is pushing both parents and authorities to facilitate the reinsertion of all children above the ten years of age in the original or extended families.

14. According to the Demographic and Health Survey, between 2000 and 2006, there has been an important reduction related to maternal mortality from 390 to 229 deaths per 100,000 live births; however, according to information for 2008 the reduction is minimum (222). For municipalities that are predominantly indigenous or with a minority of indigenous, institutionally attended childbirth is less than 50%. The Ministry of Health and Sports recently developed the Strategic National Plan to Improve Maternal, Perinatal and Neonatal Health, promoting an Intercultural Community Family Health Model to foster healthy habits for families and communities, especially in order to reduce the disparities in rural and indigenous communities.
15. Chronic malnutrition in children under the age of three years is 23.7% compared to 29% in 2003, with a much higher prevalence in rural areas and amongst indigenous populations. According to 2003 ENDSA data estimations, 51% of children between 6 and 59 months and 78% between 6 to 23 months suffer from anemia. In 2006, the National Zero Malnutrition Programme reported a baseline of 81.9% for the latter group, which indicates an increasing trend for children between 6 to 23 months. In 2004 the Government, as part of its national priorities, implemented the National Zero Malnutrition Programme which aims at eradicating chronic malnutrition by 2015. The programme includes various initiatives directed at achieving optimum practices on childhood feeding, conditional cash transfers, provision of a full range of micronutrients to children aged six months to two years and through the distribution of the "Nutri-Bebé" dietary supplement.
16. Between 1984 and 2008, 3,872 HIV/AIDS cases have been notified, of which 2,673 are HIV cases and 1,199 are AIDS cases. The gender ratio is 2 infected men per each infected woman. Of the total number of AIDS cases, currently 569 persons receive treatment¹. The prevalence of HIV notified cases in Bolivia is of 82 per one million inhabitants, while AIDS has a prevalence of 11 per one million. There has been a sustained and rapid increase of HIV and AIDS cases among pregnant women, adolescents and young people. So far, 26% of all cases are among adolescents between 15 to 24 years and 37% among young people from 25 to 34 years. Coverage of pregnant women to HIV rapid tests has increased from 8,000 in 2007 to 42,726 in 2008, an increase of 530%. Unfortunately, only 5% of total health establishment offers the rapid test, which is one of the reasons accounting for the still low coverage of rapid tests in pregnant women.
17. The Government of Bolivia developed a ten year National Plan of Basic Sanitation in 2001, which was subsequently reviewed in 2008. Bolivia is one the three countries in South America that are not on track to reach the Millennium Development Goal (MDG) in the sanitation sector (goal 7). The sanitation coverage remains preoccupying (43%) and the discrepancy between the urban area (54%) and the rural area (22%) illustrates very high disparities according to a UNICEF – WHO Joint Monitoring Programme Report, 2008.
18. With an U5MR of 63 per thousand live births, Bolivia is the country where the U5MR is the highest in South America. Safe hygiene practices such as hand washing at critical times and safe household water treatment and storage are key to contribute to an improved child survival and development strategy.
19. Measures have been implemented to improve coverage through the implementation and execution of the Educational Reform Act of 2008 and the delivery of the Bono Juancito Pinto (a governmental conditional cash transfer that is paid out to parents for the benefit of their children). The Educational Reform Act has helped to prevent students from leaving school early, which has improved the drop-out rate.

¹ Source: STI/HIV/AIDS, Health Ministry: 1984-2008

20. The Quality Measurement System of education (SIMECAL) of the Ministry of Education needs to be sustained or an alternative functioning internal and/or external quality assurance mechanism, to guarantee the regularly measurement of access to quality basic education for all children, gender and inter-cultural equity and equality, health, protection, provision of water & sanitation, participation and effective education.
21. With regards to the issue of illiteracy, it is recommendable to strengthen the institutional coordination between the post-literacy programme and other formal and non-formal education initiatives; and strengthen a pluri-lingual and pluri-national strategy and cultural adaptation of the teaching and learning materials. The incorporation of the Human Right-based Approach and Life Skills Approach in the post-literacy programme is recommended in order to ensure the integrated development of beneficiaries of the programme and full access to Human Rights.
22. Access to quality integrated Early Childhood Development (ECD) services for children under the age of six years remains one of the main concerns in Bolivia. Reliable (gender disaggregated, urban-rural, and disaggregated by ethnic group, etc.) data on access to services for children younger than four years of age is not available. Available data on children aged four to five years suggests that only an estimated 43 per cent girls and boys have access to pre-school services and 53 per cent of girls and boys starting primary school have not benefited from pre-school education. Low participation of children and parents in ECD services is due to the low offer of integrated services, low demand (partly due to lack of information and capacity building of parents/families) and low quality of the service delivered.
23. Although the gradual establishment of Municipal Child Defence Offices in both the urban and rural areas of the country is a positive achievement (306 in 266 municipalities), the national child protection system in the country still has a long way to go in its efforts to establish and implement a comprehensive structure for the protection of children's rights.
24. Currently, 831 adolescents and youths under the age of 21 are currently detained, of whom, 107 are adolescents held in centres run by the 9 Departmental Social Services, and 724 are youths and adolescents held in communal penitentiaries with adults. The application of restorative justice and alternatives to custodial sentencing, need to be implemented to ensure the application of international legal standards and adolescent development programmes to prevent juvenile crime and delinquency.
25. The new Politic Constitution in its article 61 prohibits forced labour and the economic exploitation of children and adolescents. Nevertheless, working activities realized by children and adolescents within family and societal settings are regarded as important to their integral development, and this is considered a strong cultural norm in Bolivia. A joint collaboration between UNICEF and the ILO is allowing the Ministry of Labour to accelerate interventions for the eradication of the worst forms of child labour in the sugar cane, chestnut and mining industries. Bolivia has also identified the worst forms of child labour in the country and several social responsibility initiatives have been undertaken by the private sector to improve the living conditions of workers and their children in the agricultural sector. It is of high importance that legal reform initiatives do not reduce the minimum age of entry into the labour market (currently set at 14), and that norms to regulate apprenticeships are set and implemented. Furthermore, it is commendable to accelerate actions to ensure children, adolescents, and their families living in particularly vulnerable areas have access to better opportunities for human and economic development.
26. Between 2005 and 2008 the Police registered a total of 1313 cases of disappeared persons, of which 465 were children and adolescents. Although Special Police Units specialized in the fight against trafficking of persons have been established in 4 departmental capitals, the insufficient financial and human resources prevent them to operate effectively. In 2006, the Bolivian Government approved the law 3325 on the "Trafficking of persons and others related crimes", which typifies the crime of trafficking but does not foresees guarantees and special protection

measures for the victims. To this end a new integral law project is being designed to facilitate penal prosecution of clients and to promote the prevention, protection and assistance to victims of this crime. There are almost no data available on the number of children and adolescents victims of commercial sexual exploitation, but civil society organizations working in the field state that a growing number of children and adolescents are victims of this crime.

27. Although official research has not been carried out, it is estimated that over 3,700 children and adolescents live in the streets of the main urban centres of the country, feared to be constantly exposed to violence, sexual exploitation, discrimination, drug consumption, and police brutality. Although a plethora of initiatives carried out by NGOs are trying to improve the lives of these children and adolescents, the non existence of a national plan of action and institutional weakness of child protection authorities, hinders the putting into practice of policies to include a human rights approach focusing on prevention and on strengthening the capacity of families to respond to the risks, as well as adequate family-societal reinsertion of children and adolescents living in the streets.
28. Bolivia is prone to natural emergencies and has a strong legal framework on Disaster Risk Reduction and Attention in Emergencies where a new national System has been established for the organization of the Operative Centres of Emergencies (COE) at different geographical levels; Children and women, as the most vulnerable groups, typically represent half of the population affected by emergencies, and yet do not receive the required policy attention and prioritization. Evaluations of recent disasters in the country showed that the national system for attention of disasters takes into account mainly families as a whole unit without a clear distinction of children and pregnant women according to their needs and rights.

III. UNICEF Bolivia recommends:

29. That Bolivia strengthens the overall legal framework on child rights and child protection, through a comprehensive approach to improve the child legislative system, including those measures related to budgetary allocations.
30. Training and awareness of the CRC (Convention of the rights of the Child) and its protective mechanisms among rights holders and duty bearers, and to publicise widely human rights conventions, reports and recommendations made by Human and Children's Rights Committees. It also recommends that Bolivia systematically integrates the CRC and CEDAW into the curriculum of the education system.
31. Promotion of consistent training and capacity building in the human rights-based approach to programming required for government and civil society partners at national, departmental and municipal levels. It is recommended that a stronger social mobilization approach, involving the government, civil society and the private sector, be used to complement training and capacity building. Pending actions be considered by the State Party include the finalization of the National Plan of Action for Children and the establishment of the National Children's Council.
32. That more efforts be invested in ensuring that children and adolescents are better served and protected by justice systems, and in particular, that a child-rights focus is incorporated in: 1) state-run justice and law enforcement institutions, including the judiciary (criminal and civil), justice and interior ministers, the police, prisons, criminal investigations and prosecution services, and 2) non-state justice mechanisms like the constitutionally acknowledged traditional, customary, religious and informal mechanisms that deal with disputes at the community levels.
33. That the health budget be increased in order to be make more effective the implementation of different health care delivery models; strengthen initiatives that give a stronger role to the community in the development of a positive culture on pregnant women's health care; and more emphasis to be placed on the implementation of neonatal mortality reduction initiatives

34. A stronger commitment to multi sector attention to the multiple causes of malnutrition, as well as greater involvement of the other line ministries and municipal authorities; the development of a nutrition surveillance system; and an evaluation of the effectiveness and efficacy of existing strategies.
35. The strengthening of the new National Plan of Basic Sanitation for the rural areas and the implementation of a strategy to scale up new approaches to put Bolivia on track for rural sanitation; contributing to reduce the increasing gap between the urban and the rural sector, as well as between indigenous and non-indigenous populations. It also recommends the State Party to reinforce the cooperation between the different line ministries (Health, Education, Environment and Water) to develop an integrated strategy aimed at inducing individual behaviour changes.
36. That in line with the new law on education bill, and by recognizing the cultural diversity in the country, to further strengthen the translation of inter- and intra-cultural, and pluri-lingual national and local strategies and policies at all levels of the education system and Government, and strengthening teacher training institutes that are inter-cultural and bilingual.
37. The establishment of improved monitoring mechanisms and support to the management of pedagogical schools and Universities, according to the projected law on education, with new programmes that satisfy cultural, social and specialization requirements. In addition, the establishment of functioning and effective internal and/or external quality assurance mechanisms and systems for the adequate monitoring of quality in the education system as well as learning achievements.
38. The development of a national early learning policy and early childhood development standards, for the stimulation for the child's development to her/his fullest potential, zero tolerance for violence, health and education, with a clear institutional framework, including budget allocation, for the implementation of local services. As part of an integrated approach it is necessary to promote and strengthen successful inter-sectoral collaboration amongst Government, international development standards and NGOs as well as the private sector and to enhance social mobilization for better understanding of the importance of integrated ECD by parents, families and communities.
39. That national disaster services use the Minimal accepted Standards based on the Human Rights for the attention of the victims of disasters around the world, signed by all governments, providing victims of disasters a human and dignified service, and making sure that children and women, in particular pregnant women, receive all necessary attention for their minimal comfort during disasters. A strengthened focus on capacity building in these standards at national, departmental and municipal levels is required.
40. The political, budgetary and operational coordination of the different ministries and authorities responsible of national programmes such as National Zero Malnutrition Programme (PID-0) and the upcoming National Extreme Poverty Eradication Programme (Plan Vida) at the national, departmental and municipal and local levels as to promote the practice of intersectoral actions that can tackle the different dimensions involved in the social determinants of the most poor and vulnerable children.